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TAGS: [PREL](#) [PARM](#) [SY](#) [KN](#) [IAEA](#) [KNNP](#)

SUBJECT: IAEA/SYRIA: SYRIA OFFERS NO FURTHER COOPERATION TO
IAEA BOARD

REF: A. 08 UNVIE 00635

[B.](#) UNVIE 00071

[C.](#) UNVIE 00084

Summary

[¶](#)1. (SBU) The March 4 IAEA Board of Governors deliberations on Syria broke down along similar lines as past Board discussion of this issue. Although the Director General and a majority of Board members (21 of 33 Board members) called for cooperation by Syria, NAM standard bearers Egypt, Cuba and Malaysia, abetted by Iran and Syria, sought to shift the focus back to Israel, though without success. By contrast, DG ElBaradei's introductory statement to the Board reflected his written report, with a focus on uranium findings and the need for Syrian cooperation and transparency in providing access to information, locations and debris, themes echoed in strong statements on the part of the EU, U.S., Canada, Australia, Japan, New Zealand, Argentina, Albania, Switzerland, Ghana and the ROK. Many of the like-minded questioned the correctness and completeness of Syria's declarations under its safeguards agreement, and called on Syria to implement the Additional Protocol. As is the case on Iran, the NAM troika shielded Syria from calls for greater transparency with a legalistic view of the cooperation required by Syria's safeguards agreement, as did Russia. China and Russia both had short statements lending lukewarm support to the IAEA investigation but generally downplaying the issue.

[¶](#)2. (SBU) Unlike his previous pronouncements on the subject, ElBaradei made no mention of Israel's destruction of the Al-Kibar (or Dair Alzour, as referred to by the Agency) site. Lacking any substantive arguments, most of the NAM (with the notable exception of Ghana) and Arab group resorted, as in past meetings, to criticizing Israel for the bombing and on Israel and "others," (the United States) for the late provision of information to the Agency. NAM and the Arabs charged that late provision of information hampered the IAEA investigation, and made well-worn charges asserting a double standard regarding Israel's non-NPT status. Iran took this issue one step further by calling again for an IAEA General Conference resolution condemning Israel's bombing of the facility, which would be an implicit admission that the site was nuclear-related. For its part, Israel expressed "astonishment following statements accusing my country of attacking a Syrian facility" and called for good faith cooperation by Syria. As a further distraction, the NAM also highlighted the issue of safeguards confidentiality and leakage of information to the press, using this as a pretext to block public dissemination of the Director General's

report so as to not "politicize" the issue. Canada, Australia, the U.S. and EU argued for transparency but stopped short of calling for a vote that would exacerbate divisions on the Board.

¶3. (SBU) Speaking last, Syria underlined its willingness to cooperate with the Agency pursuant to the routine provisions of its Safeguards Agreement, but made clear that the June 2008 inspectors' visit to Al-Kibar was a one-time occurrence.

Syria stuck to its claim that the site was and is a military installation unrelated to nuclear activities. Syria also took the Secretariat to task for not informing it of further analysis of environmental samples from Al-Kibar and repeated its spurious claim that Israeli munitions were the source of any uranium found at the site. In addition, he offered up a refinement of his explanation on how the uranium came to be at the site, claiming that perhaps Israeli missiles were contaminated with uranium (rather than made of uranium), an obvious attempt to rebut the Agency's "low probability" assessment that the Israeli munitions were the source. In addition to arguing that the report should not be released, Syria hoped that the issue would not be on the June Board agenda. In short, Syria persisted in its effort to sweep the IAEA investigation under the rug -- but did not succeed. End Summary.

DG Makes Compelling Case
For Continued Investigation

¶4. (SBU) The IAEA Board of Governors addressed the Director General's report on implementation of the NPT safeguards agreement (GOV/2009/9) in the Syrian Arab Republic for the second time as a specific agenda item (see Ref A for Board discussion of Syria in November, Ref B on the DG report, and Ref C on the Secretariat's technical briefing to member states). The Director General's introductory remarks on Syria at the March Board provided a compelling case for continued investigations in Syria. His remarks were in line with his recent report. He noted that additional uranium not of a type in Syria's declared inventory of material had been found in samples taken from the site. He also repeated the "low probability" assessment that Israeli munitions were the source of the uranium, noted that Syrian responses have been inadequate, and repeated a request for additional information and access from Syria. The DG also urged "Israel and other States" to provide relevant information to the Agency and to agree that the information be shared with Syria.

¶5. (SBU) Comment: DG ElBaradei did not repeat his remarks from November that the unilateral force and late provision of information "severely hampered" the Agency in its assessment of the site. While repeating an appeal for states to provide information, including imagery, he also did not directly mention the lack of commercial satellite imagery immediately following the bombing, a circumstance he described in November as "baffling." This did not stop Syria's allies from focusing on Israel's actions in their statements. End comment.

Calls for Cooperation

¶6. (SBU) Of the Board's 35 members, all but three (Mexico, Uruguay and Brazil) spoke on this item in a national capacity or as part of group. Six statements were made under "Rule 50" by Member States not currently on the Board, South Korea, Libya, Israel, Venezuela, Iran, and Syria. This was Israel's first time to speak on Syria at the Board.

¶7. (SBU) Twenty-one board members called on Syria to cooperate with the Agency's investigation by responding to questions, requests for information, and access to additional sites and debris. Switzerland made a strong statement noting that Syria "needs to cooperate totally" with the Agency without delay.

Cooperation, But With Restrictions

¶8. (SBU) Some states, however, were not as categorical in their call for Syria to cooperate. Algeria, Egypt, South Africa, Libya and Venezuela praised Syria for its cooperation to date. NAM members Egypt, Algeria, and Malaysia called on Syria to cooperate, but only within the limits of its obligations pursuant to its Safeguards Agreement with the Agency. (Note: Access to sites not on Syria's list of declared facilities, including the Al Kibar site, is beyond Syria's routine safeguards obligations. End note.)

¶9. (SBU) Japan, in an otherwise strong statement, noted that Syria had provided a "certain level of cooperation."

¶10. (SBU) Syria, during its intervention at the conclusion of the agenda item, stated its intent to "continue cooperating with the Agency within its obligations under its comprehensive safeguards agreement." Unlike Iran, Syrian rep Othman was careful not to question the motives or competence of the Secretariat.

¶11. (SBU) Echoing the DG's call for member states with relevant information to provide it to the Agency, many members called on others to cooperate with the Agency's investigation as well, including Argentina, Australia, China, Ghana, India, Iraq, Malaysia (making specific reference to Israel), South Africa, and Turkey.

Concern Over Possible Undeclared Activities

¶12. (SBU) Like-minded countries (Canada, Czech Republic on behalf of the EU, Australia, Japan, New Zealand, Albania, Switzerland), as well as Argentina, Ghana, South Korea, and Israel joined the U.S. in expressing concern over the possibility of undeclared nuclear activities in Syria.

¶13. (SBU) The EU was particularly strong in recalling the obligation "of each and every IAEA Member State party to the NPT to declare all of its nuclear installations and according to the modified code 3.1 of the subsidiary arrangements to report also the planning and construction of any nuclear facility to the Agency before the decision on its construction is taken." (Note: Syria has accepted the modified code 3.1., as does each Member State with comprehensive safeguards agreements other than Iran. End note.)

¶14. (SBU) Member States expressed concern in particular over the Agency's finding of additional anthropogenic (or chemically-processed) uranium particles during its June 2008 visit to Al-Kibar, uranium that was "of a type not included in Syria's declared inventory of nuclear material," per the Director General's report (ref B). Canada said that Syria has not satisfactorily addressed the presence of uranium at the Al-Kibar site. New Zealand noted the discrepancies between Syria's response and the Agency's findings, which need to be clarified. Although Turkey did not specifically express concern, it said the uranium findings need to be understood.

¶15. (SBU) Canada and the Czechs/EU, recalled the November 2008 DG report which stated that the features of the destroyed building, along with connectivity of the site to adequate pumping capacity of cooling water, are similar to what may be found in connection with a reactor site.

¶16. (SBU) Ghana was the only NAM member to express concern about the Agency's findings in Syria. In addition to noting the additional uranium, Ghana asked Syria to provide "all requested information" and access to the sites. The statement noted the Agency's finding of uranium at the site and asked for Syria to provide access that is beyond its

safeguards obligations. (Comment: Ghana's statement at the March Board was stronger than its statement at the November board, following an "outreach" lunch Ambassador held with the Ghanaian Board Governor the day prior to the Board deliberation. End Comment.)

China and Russia

¶17. (SBU) China and Russia maintained a low profile in their statements, supporting the Agency's investigation but not expressing concern regarding the Agency's findings thus far. China encouraged Syria and others to strengthen cooperation, Russia called on active cooperation with the Agency and regretted the destruction of the facility, which led to complications in verification. Notably, China backed off from its statement in November that it supports the investigation in accordance with Syria's safeguards responsibilities.

Israel Defends Itself

¶18. (SBU) Israel's ambassador spoke on the Syria issue for the first time in a Board meeting, expressing "astonishment following statements accusing my country of attacking a Syrian facility." Israel said that Syria's few friends "stated that the facility was indeed a nuclear facility, without even waiting for the IAEA investigation and conclusions." Israel urged Syria's cooperation with the Agency in order to close the file and noted that the Board should consider "grave consequences" for any "total lack of cooperation on the part of Syria." Israeli Ambassador clarified after the Board that Syria's few friends want international community to deal with Israel as if it bombed a nuclear facility. Israel questioned the logic of referring to the issue as non-nuclear regarding Syria and as nuclear regarding Israel. (Comment: This is probably a reference to Iran's implication that Israel violated the IAEA statute by bombing a nuclear facility. After the Board adjourned, Iran handed out copies of the Resolution 533 from October 1990 on the prohibition of armed attacks against nuclear institutions. That resolution resulted from Iraq's bombing of the Bushehr reactor a few year's earlier during the Iran-Iraq war. Although other NAM countries stated that Israel's destruction of the facility reactor was a violation of the UN Charter, no state other than Iran specifically

mentioned the IAEA resolution prohibiting the use of force or threatened use of force against a nuclear facility. End comment.)

Additional Protocol

¶19. (SBU) The EU, Australia, Japan and Albania called for Syria to sign and ratify the Additional Protocol, with Japan calling this "very important." Cuba noted with concern the trend of certain countries seeking to impose the AP, calling this "unacceptable," and saying that the AP cannot be turned into a legal obligation.

NAM States Remain Strong Supporters
Of Syria

¶20. (SBU) Syria received support from the same group of NAM countries that spoke on its behalf at the November 2008 Board meeting. NAM standard bearers Egypt, Cuba and Malaysia, abetted by South Africa, Algeria, Iraq, Venezuela, and Iran, sought unsuccessfully to shift the focus back to Israel. Iran took this issue one step further by calling again for an IAEA General Conference resolution against Israel. Iraq, Libya, and Venezuela raised the issue of double standards as

regards to Israel's non-NPT status.

¶21. (SBU) These same member states commended Syria for its continued cooperation. Previewing Syria's remarks that its cooperation be limited to its legal obligations, Malaysia noted that measures that go beyond the comprehensive safeguards agreement are purely voluntary. Cuba complained that some states are pushing for cooperation which would make Syria go beyond its obligations and divulge sensitive information (Note: a reference to Al-Kibar being a military site). Venezuela said that the investigation should be dealt with in the framework of Syria's legal obligations. Malaysia further supported Syria's posture by noting that it was the sovereign right of any state to restrict access to military facilities.

¶22. (SBU) As a further distraction, the NAM also highlighted the issue of safeguards confidentiality and leakage of information to the press, using this as a pretext to block public dissemination of the Director General's report so as to not "politicize" the issue.

¶23. (SBU) Egypt specifically said that Board reports should not contain "unverifiable information," a likely reference to the Agency's policy of pursuing leads contained in credible all-source information, including intelligence.

Syria Responds to Concerns by Board

¶24. (SBU) Syria, following Iran's example, spoke last under Rule 50. The statement was delivered by Ibrahim Othman, the Director General of the Syrian Atomic Energy Commission. Othman thanked the Agency for its professionalism and noted the importance of the Agency's decisions to remain "independent" and not become political. Othman reaffirmed Syria will continue (sic) to cooperate with the Agency within its obligations under its comprehensive safeguards agreement.

¶25. (SBU) Othman took on the issues that concerned board members and offered an explanation. On the issue of providing the IAEA additional visits to Syrian sites, Othman said that the "memo of understanding" between the Agency and Syria agreed to in May 2008 allowed for only one visit to Al-Kibar. The visit would allow visual and environmental sampling. Othman declared the visit successful, adding that the Agency team had full freedom at Al-Kibar and surrounding buildings.

¶26. (SBU) On the issue of partial and repetitive responses as noted in the DG report, Othman said that Syria had answered all the questions asked by the Secretariat. Those questions not answered fall outside of the scope of Syria's safeguards obligations. As for the point in the DG's report on repetitiveness, Othman said that the responses provided in the February letter were provided to the Agency for the first time in writing, and were therefore not repetitive.

¶27. (SBU) Othman reaffirmed that Al-Kibar was a military site and had "nothing to do" with nuclear activities. Syria's response has been within its security requirements and beyond its obligations under the CSA. He asked why Syria should be expected to "indict itself" in response to baseless accusations.

¶28. (SBU) Focusing on the leaks to the media, Othman said the leaks were not accurate (presence of graphite leaked by Secretariat) and harmful to the issue. He asked the Secretariat to be cautious with its information, recalling that the presence of uranium particles was leaked prior to the issuance of the November 2008 Board report notifying member states of the finding. Othman said that leaking could be interpreted as steps to politicize the issue.

¶29. (SBU) Turning to Israel, Othman said that Israel's response to the Agency (regarding Syria's claim that the

uranium found in samples came from Israeli missiles) was "cynical and insulting." He also called the response no surprise to the international community, adding that Israel "killed and injured thousands of women and children last month" (Gaza). Othman said that the Agency needs to investigate further and verify Israel's response. In addition, he offered up a refinement of his explanation on how the uranium came to be at the site, claiming that perhaps Israeli missiles were contaminated with uranium (rather than made of uranium). (Comment: An obvious attempt to rebut the Agency's "low probability" assessment that the Israeli munitions were the source.)

¶30. (SBU) Othman complained that Syria was unaware the Agency would continue testing the samples taken from Al-Kibar, adding that it considered the results included in the November report as "final." Syria was not informed of the additional results until the March 2009 DG report was issued.

¶31. (SBU) Othman said that the Agency must act within the memorandum of understanding signed in May 2008 and that the Agency should not disclose any information to the public while the investigation is ongoing.

¶32. (SBU) Othman dismissed the point in the DG's report that the uranium found at the site was "of a type not included in Syria's declared inventory of nuclear material." He said that the nuclear material in Syria is under Agency control and has been periodically inspected since 1992. He claimed all inspection results since 1992 have been satisfactory, and again reaffirmed that the contamination came from Israel.

¶33. (SBU) Othman closed by objecting to the public release of the Syria report, saying it would lead to misinterpretations and complicate the issue. Othman was the only speaker to say that Syria should not be on the Agenda at the next session of the Board of Governors.

Board Chair's Summary

¶34. (SBU) The Board Chair's summary accurately recounted the Board deliberations on Syria, but included Syria's request for the Agency to verify whether the munitions used to destroy the facility were uranium based or contaminated by anthropogenic uranium. (Comment: Non-Board member statements under Rule 50 are not normally included in Chair summaries. Iran's statements, also made under Rule 50, were similarly reflected in the Chair's summary for the first time at this Board.) The Chair noted that "several members emphasized that the Secretariat should refrain from requesting Member States to provide information or take measures that go beyond the States' safeguards obligations, particularly those involving national security," an attempt to undercut the next Board report.

Syria DG Report Not Released

¶35. (SBU) Canada requested the public release of the Syria report, which was supported by Australia and the U.S. Egypt spoke immediately after Canada and objected to the report's release. Cuba and Syria also objected. After an

unsuccessful attempt by the Board chair to unilaterally decide to not release the report, which drew an objection by Canada, the Board Chair deferred the decision to the next day. After consultations the following morning, the Chair announced that she was unable to reach consensus on the release since "a large number of states including the EU were for the release and a large number of NAM states were opposed." She expressed regret over the "split" Board, but the report, therefore, was not released due to lack of consensus. The Chair also noted in her written summary that the Board had agreed to place on the agenda for its June

meeting an agenda item entitled "De-restriction of documents of the Board of Governors." Adding this item to the agenda for the June meeting was initially proposed by Cuba during the discussion on releasing the Iran report (septel). Cuba, Egypt, and Iran reiterated their objection to releasing the Syria report. The Ambassador expressed regret at the lack of consensus and reiterated the U.S. belief that, in light of the apparent safeguards violation, the report should be released to the public. Noting that Syria had gone to great lengths to conceal the nature of the facility at Al-Kibar and to sanitize the site after the reactor was destroyed, he said that Syria should not be allowed to continue its cover up effort by preventing the release of the Director General's reports. He took exception to some member states' mischaracterization of the report as biased and politicized, and noted the importance to let the report speak for itself. The Ambassador, joined by France and Germany, also made it clear that we do not accept the outcome of this Board as a precedent and will revisit the issue of publishing the report in June.

¶136. (SBU) Note: In a short meeting in her office before Board proceedings opened on March 2, Ambassador lobbied Board Chair Ferouki on the appropriateness of public release of both the Iran and Syria reports. Ferouki advised against any vote on the matter. Ambassador Schulte noted that were Syria to open Board statements by declaring that it would now agree to provide the access and information the IAEA had requested, the U.S. would welcome that statement and he would seek instructions allowing him not to call for public release of the report. Ferouki later informed the Ambassador that she had informed Syrian AEC head Othman, but he told her that he had no instructions to agree to the IAEA requests.

Comment

¶137. (SBU) Syria has decided on its story line and is sticking to it. While Mission will continue to engage closely with the Secretariat and other Board members in support of rigorous IAEA pursuit of its Syrian investigation, it seems clear that further meaningful Syrian cooperation with the IAEA will not be forthcoming short of significant new developments. Mission will send septel its thoughts on how best to optimize the chances for increasing pressure via the IAEA investigation in support of the broader diplomatic effort to prompt a new cost/benefit analysis in Damascus.

U.S. Statement

¶138. (SBU) Madame Chair,

Syria's continuing refusal to cooperate with the IAEA should be of serious concern to all members of this Board and, indeed, to all supporters of the international nonproliferation regime. We thank the Director General for his latest report, which reflects the serious and sustained attention the Agency pays to this important issue. We applaud the Secretariat's professionalism in pursuing the investigation of this pressing matter and hope that future reports will reflect a decision by Syria to fully cooperate and provide a full accounting of its clandestine nuclear activities, both past and present.

Regrettably, as noted in the Director General's latest report, Syria has not yet demonstrated the level of cooperation and transparency needed by the IAEA to complete its investigation. This is the second consecutive Board at which the Director General has submitted a report noting the lack of cooperation by Syria. The last report, submitted to the November Board, stated that "Syria has not yet provided the requested documentation in support of its declarations concerning the nature or function of the destroyed building, nor agreed to a visit to the three other locations which the Agency has requested to visit" as part of the investigation

into undeclared nuclear activities. Even more troubling, the Director General reported that Syria denied the IAEA access to sites and took immediate steps to sanitize the three suspected nuclear-related sites upon receiving the IAEA's request for access. Unfortunately, Syria has yet to address any of these serious concerns or allowed the IAEA access to the additional sites.

We note with regret that Syria's most recent response to the IAEA's questions and concerns - included in a February 17 letter, according to the Director General's report - only provided partial answers and did not address most of the questions raised by the Agency. Syria has not yet provided information about the past use and nature of the Dair Alzour site. Syria has also thus far refused to allow the IAEA access to additional suspected nuclear-related sites or access to the debris and equipment removed from Dair Alzour. As stated in the Director General's report, these measures are "essential" for the Agency to complete its assessment.

This report contributes to the growing evidence of clandestine nuclear activities in Syria, including the revelation that additional anthropogenic (or chemically processed) uranium particles "of a type not included in Syria's declared inventory of nuclear material" were detected in environmental samples taken at Dair Alzour. I note that at the February 24 Technical Briefing on Syria, the Secretariat reported that it had found still more uranium particles in samples taken from Syria in addition to the "significant" quantity of uranium particles reported to the November Board. We must understand why such material - material that was not previously declared to the IAEA - existed in Syria, and this can only happen if Syria provides the cooperation requested of it by the Director General. In particular, as DDG Heinonen reiterated at the Technical Briefing, it is essential that Syria provide inspectors with access to the debris from the bombed facility. Importantly, the Agency also notes in the report the "low probability" that the processed uranium present in soil samples from Dair Alzour could have come from the munitions used to destroy the facility, as alleged by Syria.

Madam Chair,

I note with concern the statements Syria made last week at the Agency's technical briefing on this issue. At the meeting, instead of explaining why uranium was detected at the Dair Alzour site, the Syrian representative claimed that it would not "accept" any future evidence gained from environmental samples. This comes on the heels of Syria's earlier statements that it would not cooperate further with the IAEA until it received the sampling results. We, as a Board, must not allow Syria, or any state, to politicize the objective work of the Agency's technical inspectors by attempting to selectively discredit their scientific findings.

Syria's continued efforts to hinder and discredit the work of the Agency begs the question: What does Syria have to hide about its nuclear activities?

By failing to declare the Dair Alzour site to the IAEA and provide the required design information, Syria violated its safeguards agreement. More importantly, however, Syria undermined the very role IAEA safeguards play in the international nonproliferation regime - to provide the international community with the necessary assurance that the reactor was part of a peaceful program. This is all the more worrying as the configuration and location of the destroyed reactor suggests that it was not intended for peaceful purposes.

Given the gravity of this issue and Syria's refusal to allow the IAEA to complete its verification activities, the United States asks that all Board members join us in demanding that Syria fully cooperate with the IAEA investigation without delay by granting the IAEA access to any information, debris and sites needed to complete its

investigation. Such cooperation will go a long way in providing assurance to the international community of Syria's peaceful intentions.

Madam Chair,

In order to maintain the high level of transparency for which the Agency and Board are known, and to ensure that all members of the international community are aware of the Agency's work on this important issue, we call for the Director General's reports on the Implementation of NPT Safeguards in the Syria Arab Republic to be made available to the public.

Thank you.
SCHULTE